

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
DANIEL JANKI : CASE NO. 5-16-04407

Debtor :

WILMINGTON SAVINGS FUND :
SOCIETY :

Movant, :

vs. :

DANIEL JANKI :

Respondent. :

DEBTOR'S ANSWER TO MOTION FOR RELIEF FROM
AUTOMATIC STAY UNDER SECTION 362

AND NOW COMES, Daniel Janki, the Debtor, and files an Answer to Wilmington Trust,

NA's Motion for Relief From the Automatic Stay:

1. Daniel Janki (hereinafter the "Debtor") filed a Chapter 13 bankruptcy proceeding with the U.S. Bankruptcy Court for the Middle District of Pennsylvania.

2. Debtor proposed in their Chapter 13 Plan to pay their post-petition mortgage payments directly to Movant.

3. Movant alleges that Debtors have failed to make post-petition payments.

4. Debtors Counsel is in the process of contacting the Debtor to ascertain if the payments were made and/or if the Debtors are in possession of the funds needed to pay the arrears.

5. In the event there remains an arrears, the Debtors wish to enter into a Stipulation to amend the Chapter 13 Plan to include the post-petition arrears and/or cure the arrears over a six (6) month Stipulation.

6. Movant is not entitled to relief from the automatic stay as there is equity in the property encumbered by Movant's mortgage, arrearage amount due has been paid or shall be paid directly to Movant and was included in the Chapter 13 Plan, and, therefore, the Movant is adequately protected.

WHEREFORE, the Debtors respectfully request that Movant's Motion for Relief from the Automatic Stay be denied.

Respectfully submitted,

Date: May 14, 2017

/s/Tullio DeLuca
Tullio DeLuca, Esquire
PA ID# 59887
381 N. 9th Street
Scranton, PA 18504
(570) 347-7764

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
DANIEL JANKI : CASE NO. 5-16-04407

Debtor :

WILMINGTON SAVINGS FUND :
SOCIETY :

Movant, :

vs. :

DANIEL JANKI :

Respondent. :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 14, 2017, he caused a true and correct copy of
Debtor's Answer to Wilmington Trust's Motion for Relief from the Automatic Stay to be served
Via electronic filing on the following CM/ECF users at the following address:

Charles J. DeHart, III, Esq. at dehartstaff@ramapo.com

James Warmbrodt, Esq. at jwarmbrodt@kmlawgroup.com

Dated: May 14, 2017

/s/Tullio DeLuca

Tullio DeLuca, Esquire